

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 7, 2014

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JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 7, 2014

The Senate met in regular session at 1:13 p.m., President Jochum presiding.

Prayer was offered by Imam Mohammed Khan of the Islamic Mosque in Des Moines, Iowa. He was the guest of Senator Petersen.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Randy Tapia.

The Journal of Thursday, April 3, 2014, was approved.

The Senate stood at ease at 1:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:51 p.m., President Jochum presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:52 p.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 4:10 p.m., President Jochum presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2347](#).

[Senate File 2347](#)

On motion of Senator Schoenjahn, [Senate File 2347](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, was taken up for consideration.

Senator Schoenjahn offered amendment [S-5126](#), filed by him from the floor to pages 14, 22, 24, and 25 of the bill.

Senator Chelgren asked and received unanimous consent that action on amendment [S-5126](#) and [Senate File 2347](#) be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Whitver.

HOUSE AMENDMENTS CONSIDERED

[Senate File 2312](#)

Senator Gronstal called up for consideration [Senate File 2312](#), a bill for an act relating to the continued effect of terms, conditions, covenants, and provisions contained in documents and instruments creating or regulating multiple housing cooperatives and horizontal property regimes and including applicability provisions, amended by the House in House amendment [S-5118](#), filed April 2, 2014.

Senator Schneider moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schneider moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2312](#)), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Segebart
Beall	Dearden	Horn	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Taylor
Bolkcom	Feenstra	McCoy	Whitver
Bowman	Garrett	Petersen	Wilhelm
Brase	Greiner	Quirmbach	Zaun
Breitbach	Gronstal	Ragan	Zumbach
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	
Courtney	Hatch	Schoenjahn	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

[Senate File 2299](#)

Senator Gronstal called up for consideration [Senate File 2299](#), a bill for an act relating to Iowa’s operating-while-intoxicated law and license revocations, temporary restricted licenses, and ignition interlock devices, and including applicability provisions, amended by the House in House amendment [S-5091](#), filed March 26, 2014.

Senator Brase moved that the Senate concur in the House amendment and requested a no vote.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2299** and **2312** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2444](#).

[House File 2444](#)

On motion of Senator Hogg, [House File 2444](#), a bill for an act relating to the administration of the tax and related laws of the department of revenue, including powers and duties of the director and administration of the inheritance tax, motor fuel and special fuel taxes, and including retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on [House File 2444](#) be **deferred**.

The Senate stood at ease at 4:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:18 p.m., President Jochum presiding.

BUSINESS PENDING

[Senate File 2347](#)

The Senate resumed consideration of [Senate File 2347](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, and amendment [S-5126](#), previously deferred.

Senator Chapman offered amendment [S-5128](#), filed by him from the floor to pages 4 and 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall the amendment be adopted?” ([S.F. 2347](#)), the vote was:

Yeas, 24:

Anderson	Chapman	Greiner	Segebart
Behn	Chelgren	Guth	Sinclair
Bertrand	Dix	Johnson	Smith
Boettger	Ernst	Kapucian	Whitver
Bowman	Feenstra	Rozenboom	Zaun
Breitbach	Garrett	Schneider	Zumbach

Nays, 25:

Beall	Dotzler	Jochum	Seng
Black	Dvorsky	Mathis	Sodders
Bolkcom	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirmbach	
Danielson	Hogg	Ragan	
Dearden	Horn	Schoenjahn	

Absent, 1:

Houser

Amendment [S-5128](#) lost.

The Senate resumed consideration of amendment [S-5126](#), previously deferred.

Senator Garrett offered amendment [S-5130](#), filed by him from the floor to page 1 and amending the title provisions of amendment [S-5126](#).

Senator Schoenjahn raised the point of order that amendment [S-5130](#) to amendment [S-5126](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5130](#) out of order.

Senator Schoenjahn moved the adoption of amendment [S-5126](#).

Amendment [S-5126](#) was adopted by a voice vote.

Senator Chelgren offered amendment [S-5129](#), filed by Senators Chelgren and Schoenjahn from the floor to pages 18, 21, and 22 of the bill.

Senator Chelgren asked and received unanimous consent that action on amendment [S-5129](#) be deferred.

Senator Chelgren offered amendment [S-5127](#), filed by Senators Chelgren and Boettger from the floor to page 26 of the bill.

([Senate File 2347](#) and amendment [S-5127](#) were deferred.)

The Senate stood at ease at 6:39 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 6:59 p.m., President Jochum presiding.

The Senate resumed consideration of [Senate File 2347](#) and amendment [S-5127](#), previously deferred.

Senator Chelgren moved the adoption of amendment [S-5127](#).

A record roll call was requested.

On the question "Shall the amendment be adopted?" ([S.F. 2347](#)), the vote was:

Yeas, 23:

Anderson	Chelgren	Guth	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Whitver
Boettger	Feenstra	Rozenboom	Zaun
Breitbach	Garrett	Schneider	Zumbach
Chapman	Greiner	Segebart	

Nays, 26:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor

Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirmbach	
Danielson	Hogg	Ragan	

Absent, 1:

Houser

Amendment [S-5127](#) lost.

The Senate resumed consideration of amendment [S-5129](#), previously deferred.

Senator Chelgren offered amendment [S-5133](#), filed by him from the floor to page 1 of amendment [S-5129](#), and moved its adoption.

A record roll call was requested.

On the question “Shall the amendment be adopted?” ([S.F. 2347](#)), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Schneider
Beall	Dearden	Hogg	Schoenjahn
Behn	Dix	Horn	Segebart
Bertrand	Dotzler	Jochum	Seng
Black	Dvorsky	Johnson	Sinclair
Boettger	Ernst	Kapucian	Smith
Bolkcom	Feenstra	Mathis	Sodders
Bowman	Garrett	McCoy	Taylor
Brase	Greiner	Petersen	Whitver
Breitbach	Gronstal	Quirmbach	Wilhelm
Chapman	Guth	Ragan	Zaun
Chelgren	Hart	Rozenboom	Zumbach

Nays, 1:

Courtney

Absent, 1:

Houser

Amendment [S-5133](#) to amendment [S-5129](#) was adopted.

Senator Chelgren moved the adoption of amendment [S-5129](#), as amended.

A record roll call was requested.

On the question “Shall the amendment be adopted?” ([S.F. 2347](#)), the vote was:

Yeas, 24:

Anderson	Chelgren	Guth	Segebart
Behn	Dix	Johnson	Sinclair
Bertrand	Ernst	Kapucian	Smith
Boettger	Feenstra	Quirmbach	Whitver
Breitbach	Garrett	Rozenboom	Zaun
Chapman	Greiner	Schneider	Zumbach

Nays, 25:

Beall	Dearden	Horn	Seng
Black	Dotzler	Jochum	Sodders
Bolkcom	Dvorsky	Mathis	Taylor
Bowman	Gronstal	McCoy	Wilhelm
Brase	Hart	Petersen	
Courtney	Hatch	Ragan	
Danielson	Hogg	Schoenjahn	

Absent, 1:

Houser

Amendment [S-5129](#), as amended, lost.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2347](#)), the vote was:

Yeas, 27:

Beall	Danielson	Hogg	Ragan
Bertrand	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirmbach	

Nays, 22:

Anderson	Dix	Johnson	Smith
Behn	Ernst	Kapucian	Whitver
Boettger	Feenstra	Rozenboom	Zaun
Breitbach	Garrett	Schneider	Zumbach
Chapman	Greiner	Segebart	
Chelgren	Guth	Sinclair	

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2347](#) be **immediately messaged** to the House.

BUSINESS PENDING

[House File 2444](#)

The Senate resumed consideration of [House File 2444](#), a bill for an act relating to the administration of the tax and related laws of the department of revenue, including powers and duties of the director and administration of the inheritance tax, motor fuel and special fuel taxes, and including retroactive applicability provisions, previously deferred.

Senator Hogg offered amendment [S-5109](#), filed by the committee on Ways and Means on March 31, 2014, to page 1 of the bill, and moved its adoption.

Amendment [S-5109](#) was adopted by a voice vote.

Senator Hogg offered amendment [S-5131](#), filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment [S-5131](#) was adopted by a voice vote.

Senator Kapucian offered amendment [S-5132](#), filed by him from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Gronstal raised the point of order that amendment [S-5132](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5132](#) out of order.

Senator Hogg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2444](#)), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Segebart
Beall	Dearden	Horn	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Taylor
Bolkcom	Feenstra	McCoy	Whitver
Bowman	Garrett	Petersen	Wilhelm
Brase	Greiner	Quirnbach	Zaun
Breitbach	Gronstal	Ragan	Zumbach
Chapman	Guth	Rozenboom	
Chelgren	Hart	Schneider	
Courtney	Hatch	Schoenjahn	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2444](#) be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 2014, **passed** the following bill in which the concurrence of the Senate is asked:

[**House File 2462**](#), a bill for an act concerning public employee bonuses, personnel settlement agreements and disciplinary actions, and including effective date and retroactive applicability provisions.

Read first time and **passed on file**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:43 p.m. until 9:00 a.m., Tuesday, April 8, 2014.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Chuck Backerman, Evansdale – For celebrating his 90th birthday. Senator Dotzler.

Robert D. Bradshaw, Waterloo – For celebrating his 90th birthday. Senator Dotzler.

Theresa Kapler, Waterloo – For celebrating her 97th birthday. Senator Dotzler.

Mason City High School Concert Choir – For being named the grand champion and outstanding choral program, and earning the highest score of the competition at the Chicago Heritage Music Festival. Senator Ragan.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 7, 2014, 2:55 p.m.

Members Present: Dvorsky, Chair; Danielson, Vice Chair; Chapman, Ranking Member; Black, Bolkcom, Courtney, Dotzler, Ernst, Garrett, Guth, Hatch, Hogg, Kapucian, Mathis, McCoy, Petersen, Ragan, Rozenboom, and Schoenjahn.

Members Absent: Segebart and Smith (both excused).

Committee Business: Passed [HF 2460](#).

Adjourned: 3:40 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, April 3, 2014, 11:00 a.m.

Members Present: Petersen, Chair; Schoenjahn, Vice Chair; Garrett, Ranking Member; Greiner, and McCoy.

Members Absent: None.

Committee Business: Information from DAS officials.

Adjourned: 1:05 p.m.

STUDY BILLS RECEIVED

[SSB 3216](#) **Ways and Means**

Relating to the administrative appeals process for certain tax matters and a related study and report, and including effective date and applicability provisions.

[SSB 3217](#) **Ways and Means**

Relating to state taxation and related budgetary matters, including state sales and use taxes, the natural resources and outdoor recreation trust fund, and the state individual income tax, and including effective date and applicability provisions.

[SSB 3218](#) **Ways and Means**

Relating to benefited recreational lake districts, water quality districts, and combined recreational lake and water quality districts and including effective date and retroactive applicability provisions.

[SSB 3219](#) **Ways and Means**

Relating to the additional homestead credit for certain disabled veterans and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

[House File 2454](#)

WAYS AND MEANS: Quirmbach, Chair; Behn and Bolkcom

[House File 2456](#)

WAYS AND MEANS: Hogg, Chair; Dotzler and Feenstra

[House File 2459](#)

WAYS AND MEANS: Quirmbach, Chair; Feenstra and McCoy

[SSB 3216](#)

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

[SSB 3217](#)

WAYS AND MEANS: Bolkcom, Chair; Black and Feenstra

[SSB 3218](#)

WAYS AND MEANS: Hogg, Chair; Seng and Smith

[SSB 3219](#)

WAYS AND MEANS: Quirmbach, Chair; Bolkcom and Chapman

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 2460](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the economic development authority, the department of workforce development, the Iowa finance authority, the public employment relations board, and the state board of regents and regents institutions, and providing for other properly related matters.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dvorsky, Danielson, Black, Bolkcom, Courtney, Dotzler, Hatch, Hogg, Mathis, Ragan, and Schoenjahn. Nays, 8: Chapman, Ernst, Garrett, Guth, Kapucian, McCoy, Petersen, and Rozenboom. Absent, 2: Segebart and Smith.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of April, 2014.

Senate Files 2168, 2283, 2319, 2328, and 2339.

MICHAEL E. MARSHALL
Secretary of the Senate

WITHDRAWAL OF
GOVERNOR'S APPOINTEE

The following letter from the Governor was received in the office of the Secretary of the Senate on April 7, 2014:

I am withdrawing the name of Jennifer Wallace to serve as a member of the Employment Appeal Board from further consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

<u>S-5126</u>	<u>S.F. 2347</u>	Brian Schoenjahn
<u>S-5127</u>	<u>S.F. 2347</u>	Mark Chelgren
		Nancy J. Boettger
<u>S-5128</u>	<u>S.F. 2347</u>	Jake Chapman
<u>S-5129</u>	<u>S.F. 2347</u>	Mark Chelgren
		Brian Schoenjahn
<u>S-5130</u>	<u>S.F. 2347</u>	Julian B. Garrett
<u>S-5131</u>	<u>H.F. 2444</u>	Robert M. Hogg
<u>S-5132</u>	<u>H.F. 2444</u>	Tim L. Kapucian
<u>S-5133</u>	<u>S.F. 2347</u>	Mark Chelgren
<u>S-5134</u>	<u>S.F. 2349</u>	Matt McCoy